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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,193	11/10/2003	Ariel Braunstein	026515-0004P	5574
34284	7590	03/24/2008		
Rutan & Tucker, LLP. 611 ANTON BLVD SUITE 1400 COSTA MESA, CA 92626			EXAMINER FINDLEY, CHRISTOPHER G	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 03/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/705,193	Applicant(s) BRAUNSTEIN ET AL.	
	Examiner CHRISTOPHER FINDLEY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/26/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection. A revised rejection is included below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 6, 10-13, 15-16, 19, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Minne et al. (US 6950129 B1).**

Re claim 1, Minne discloses a method, comprising: limiting a one-time-use digital video camera having a digital storage medium for a single use cycle (Minne: column 10, lines 45-54, write once memory); configuring a digital storage medium to store in a digital form captured video footage including video images recorded by a digital video image sensor and sound data recorded by a digital audio sensor (Minne: column 6, lines 31-45); configuring a microphone to capture sound corresponding to the recorded video images and to supply the captured sound to the digital audio sensor, where both the recorded images and the captured sound are combined into the captured video

footage (Minne: column 6, lines 15-16); configuring a video compression component to compress a size of the captured video footage (Minne: column 6, lines 9-14); configuring a processing unit to execute instructions that operate the digital video camera (Minne: Fig. 5, camera processor 76); configuring a digital viewfinder having a display to allow a user to see the images in a target area to be taken and then recorded in the non-volatile digital storage medium (Minne: column 4, line 26, view finder 28 and display 30; column 4, lines 32-36); configuring a Direct Current power source to power the microphone, the digital video image sensor, the digital audio sensor, the processing unit, the display, and the non-volatile digital storage medium (Minne: column 4, lines 32-36 and column 6, lines 22-23, "battery status" indicates the presence of a battery); configuring a communication port to facilitate communications between components internal to the digital video camera and devices external to the digital video camera (Minne: column 6, lines 24-30); and refurbishing the one-time-use digital video recorder for another use cycle of the one-time-use digital video recorder (Minne: column 10, lines 18-44).

Re claim 2, Minne discloses that refurbishing comprises making the one-time-use digital video recorder operational for another use cycle (Minne: column 10, lines 41-44).

Re claim 3, Minne discloses selling the one-time-use digital video camera during a first use cycle (Minne: column 10, lines 41-44, the term "resale" indicates that the camera was sold a first time and then the camera is subsequently sold again at least a second time); and selling the one-time-use digital video recorder for a second use cycle

after refurbishing the one-time-use digital video recorder (Minne: column 10, lines 41-44, the term “resale” indicates that the camera was sold a first time and then the camera is subsequently sold again at least a second time).

Re claim 6, Minne discloses communicating video footage captured by the one time use digital video camera to an external processing unit to process the video data (Minne: column 10, lines 29-33, “device for producing” indicates including the associated processing involved in copying to a second medium).

Re claim 10, Minne discloses that a limiting use component contained within the one time use camera restricts the use of the one-time-use digital video camera for a single use cycle (Minne: column 10, lines 59-64).

Re claim 11, Minne discloses an apparatus, comprising: means for limiting a one-time-use digital video camera having a digital storage medium for a single use cycle (Minne: column 10, lines 45-54, write once memory); the digital storage medium to store in a digital form captured video footage including video images recorded and sound data recorded (Minne: column 6, lines 31-45); means for capturing sound corresponding to the recorded video images and to supply the captured sound to the digital audio sensor, where both the recorded images and the captured sound are combined into the captured video footage (Minne: column 6, lines 15-16); means for compressing a size of the captured video footage (Minne: column 6, lines 9-14); means for executing instructions that operate the digital video camera (Minne: Fig. 5, camera processor 76); means for allowing a user to see the images in a target area to be taken and then recorded in the non-volatile digital storage medium (Minne: column 4, line 26, view

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finder 28 and display 30; column 4, lines 32-36); means for powering the means for capturing sound, the digital video image sensor, the digital audio sensor, the means for executing instructions, the means for allowing a user to see, and the digital storage medium (Minne: column 4, lines 32-36 and column 6, lines 22-23, "battery status" indicates the presence of a battery); means for facilitating communications between components internal to the digital video camera and devices external to the digital video camera (Minne: column 6, lines 24-30), a camera body to contain the means for executing instructions, the means for capturing sound, the means for allowing a user to see, and the digital storage medium on or in the digital video camera (Minne: Figs. 1-3); and means for refurbishing the one-time-use digital video recorder for another use cycle of the one-time-use digital video recorder (Minne: column 10, lines 18-44).

Claim 12 has been analyzed and rejected with respect to claim 3 above.

Claim 13 has been analyzed and rejected with respect to claim 6 above.

Re claim 15, Minne discloses a system, comprising a digital video camera having a non-volatile digital storage medium to store in a digital form captured video footage including video images recorded by a digital video image sensor and sound data recorded by a digital audio sensor (Minne: column 6, lines 31-45 and 54-61); a microphone to capture sound corresponding to the recorded video images and to supply the captured sound to the digital audio sensor, where both the recorded images and the captured sound are combined into the captured video footage; a video compression component to compress a size of the captured video footage (Minne: column 6, lines 15-16); a processing unit to execute instructions that operate the digital video camera

(Minne: Fig. 5, camera processor 76); a digital viewfinder having a display to allow a user to see the images in a target area to be taken and then recorded in the non-volatile digital storage medium (Minne: column 4, line 26, view finder 28 and display 30; column 4, lines 32-36); a Direct Current power source to power the microphone, the digital video image sensor, the digital audio sensor, the processing unit, the display, and the non-volatile digital storage medium (Minne: column 4, lines 32-36 and column 6, lines 22-23, "battery status" indicates the presence of a battery); a communication port to facilitate communications between components internal to the digital video camera and devices external to the digital video camera (Minne: column 6, lines 24-30), a camera body to contain the digital video image sensor, the digital audio sensor the processing unit and the non-volatile digital storage medium within the digital video camera (Minne: Figs. 1-3); and a server external to the digital video camera having a communication port to receive the captured video footage a processor configured to process the video footage and a disk drive to supply the processed video footage to a consumer in a video format useable by other consumer devices (Minne: column 10, lines 25-33).

Re claim 16, Minne discloses a limiting use component to restrict a use of the digital video camera to a single use cycle (Minne: column 10, lines 45-54, write once memory).

Re claim 19, Minne discloses that the limiting use component is a capacity of the non-volatile digital storage medium designed to support only a single use cycle (Minne: column 10, lines 45-54, write once memory) and the non-volatile digital storage medium is inaccessible to a user of the digital video camera (Minne: column 5, lines 22-32).

Re claim 24, Minne discloses that the display to allow a user to review and its associated controls allow the user to delete video footage that has been recorded on the non-volatile digital storage medium (Minne: column 4, lines 32-36).

Re claim 25, Minne discloses that the disk drive embeds the processed video content onto a non-volatile digital storage medium (Minne: column 10, lines 25-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minne et al. (US 6950129 B1).

Re claim 23, Minne discloses a majority of the features of claim 23, as discussed above in claim 15, but does not specifically disclose that the one-time-use digital video camera has physical dimensions that allows the one-time-use digital video camera to fit within a pocket. However, The Examiner takes Official Notice that digital cameras capable of recording video having physical dimensions allowing the camera to fit within a pocket are well known in the art. Furthermore, one of ordinary skill in the art at the time of the invention would have found it obvious to make the physical dimensions of the camera as small as possible in order to increase the portability, and thus make the camera more attractive to end users.

6. Claims 4-5, 8-9, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minne et al. (US 6950129 B1) in view of Matsuura et al. (US 20010030773 A1).

Re claim 4, Minne discloses a majority of the features of claim 4, as discussed above regarding claim 3, but Minne does not specifically disclose that a manufacturer sells the one-time-use digital video camera to a vendor. However, Matsuura discloses a digital photograph system, wherein a one-time-use digital camera is refurbished for future use and resale by a recycling center, which in turn sells the camera to a store for resale to the consumer (Matsuura: Fig. 2, “buy-in” between the recycling center and the store). Since both Minne and Matsuura relate to refurbishing one-time-use cameras, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the recycling and resale process of Matsuura with the similar refurbishing process of Minne in order to make the camera more affordable to the consumer, while still allowing the manufacturer and vendor to attain a profit. The combined system of Minne and Matsuura has all of the features of claim 4.

Re claim 5, the combined system of Minne and Matsuura discloses that a vendor sells the one-time-use digital video camera to a consumer (Matsuura: Fig. 2, “purchase”).

Re claim 8, the combined system of Minne and Matsuura discloses distributing the one-time-use digital video camera to a retailer for a consumer to purchase

(Matsuura: Fig. 2, the recycling center sends refurbished cameras to the store to be sold to the customer).

Re claim 9, the combined system of Minne and Matsuura discloses forcing a consumer to return the one-time-use digital video camera to a vendor in order for the consumer to obtain video content captured during the use cycle (Meitav: paragraph [0030]) (Matsuura: Fig. 9, the terminal must be verified in order to access the memory).

Re claim 20, the combined system of Minne and Matsuura discloses that the processor within the digital video camera is configured to store the video content in a non-consumable format only visible in an intelligible form from the external server and the one-time-use digital camera (Matsuura: Fig. 7; paragraph [0043], verifying an authorized terminal).

7. Claims 7, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minne et al. (US 6950129 B1) in view of Culp et al. (US 6973453 B2).

Re claim 7, Minne discloses a majority of the features of claim 7, as discussed in claim 1 above, but does not specifically disclose enhancing quality of video data captured by the one time use digital video camera with an external processing unit. However, Culp discloses an image collection enhancement method, in which a user's image collection may be augmented by professional pictures (Culp: column 1, lines 54-67; column 2, lines 13-22). Culp further discloses the possibility of utilizing software applications for enhancing the quality of the image collection (Culp: column 1, lines 27-

35; column 2, lines 3-12). Since both Minne and Culp relate to processing collections of user images, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the organizational method of Culp with the digital camera system of Minne in order to enhance the user's picture/video collection by supplementing it with additional photos (Culp: column 1, lines 41-44) when the customer turns in the camera (Culp: column 4, lines 49-51). The combined system of Minne and Culp has all of the features of claim 7.

Claim 14 has been analyzed and rejected with respect to claim 7 above.

Re claim 22, the combined system of Minne and Culp discloses the external server to enhance the original captured video content by adding in stock video intermixed with the original captured video footage when a video product is supplied to a consumer (Culp: column 2, lines 3-12; Fig. 3, professional images may be added in with the user's images).

8. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minne et al. (US 6950129 B1) in view of Haas et al. (US 20040012810 A1).

Re claim 17, Minne discloses a majority of the features of claim 17, as discussed above in claim 16, but does not specifically disclose that the limiting use component is a clock circuit to monitor an amount of time the video has been recording and after a preset amount of time occurs to trigger a signal to disable the one-time use digital video camera from further use in the current use cycle. However, Haas discloses a system for presenting images captured at an event during the event, where event patrons are

provided with disposable cameras (Haas: paragraph [0009]) that are equipped with a time limit feature, which disables operation of the camera after expiration of a given period of time (Haas: paragraph [0026]). Since Minne and Haas both relate to retrieving images from a digital camera for presentation to the camera user, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the digital camera system of Minne with the time limiting feature of Haas, in order to provide photo processing at an event and allow the customer to immediately order pictures from a disposable camera used at special events (Haas: paragraph [0009]). The combined system of Minne and Haas has all of the features of claim 17.

Re claim 21, the combined system of Minne and Haas discloses that the external server to enhance the captured video content with meta data recorded at the time the video content was filmed (Haas: paragraph [0032], metadata).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minne et al. (US 6950129 B1) in view of Tanaka et al. (US 20030001959 A1).

Re claim 18, Minne discloses a majority of the features of claim 18, as discussed above in claim 16, but does not specifically disclose that the limiting use component is an amount of battery power contained in the video camera designed-to support only a single use cycle and replacement of the battery power is inaccessible to a user of the digital video camera. However, Tanaka discloses a digital camera and recycle method thereof, where the operability of a rented digital camera is limited to the life of a battery, which is inaccessible to the user (Tanaka: paragraph [0116]). Since Minne and Tanaka

both relate to retrieving images from a digital camera for presentation to the camera user, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the digital camera system of Minne with the battery monitoring capability of Tanaka in order to promote timely return of the rented camera (Tanaka: paragraph [0117]). The combined system of Minne and Tanaka has all of the features of claim 18.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Method, business processes and apparatus for remote data, image and video collection, transmission and distribution using cellular electronic serial number enabled devices

Strisower (US 20040083275 A1)

b. Digital camera capable of being collected for reuse

Okada et al. (US 20010040625 A1)

c. Digital camera system and camera recycle system

Kubota (US 20030001957 A1)

d. Digital camera with reduced image buffer memory and minimal processing for recycling through a service center

Meitav et al. (US 20040252201 A1)

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Findley/

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621